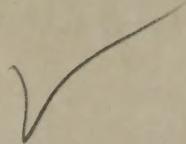


Conkling (F. A.)

Promotion of Medical Science.

REMARKS

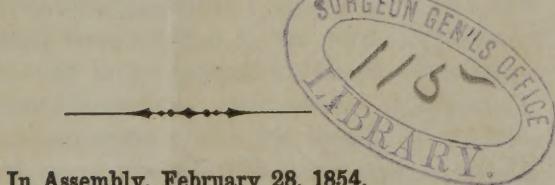
OF



MR. F. A. CONKLING,

ON THE BILL FOR THE

PROMOTION OF MEDICAL SCIENCE.



In Assembly, February 28, 1854.

Comptiments of James. Connelly -
ALBANY:
WEED, PARSONS AND COMPANY.

1854.

U. S. New York
14th st
New York

REMARKS OF MR. CONKLING,

ON THE BILL

"FOR THE PROMOTION OF MEDICAL SCIENCE."

IN ASSEMBLY, FEB. 28.

MR. CHAIRMAN—Having, upon mature deliberation, resolved to vote for this bill, I beg leave to state, as succinctly as possible, the views of the subject which have led to this determination.

It is due to myself at the outset to assure those who are opposed to this measure, that I am by no means insensible to the force of their main objection, founded in the repugnance of the people of this State to the mutilation of the human body after death. On the contrary, I frankly confess that I participate in this feeling. I am of opinion, however, that it has been considerably overstated; and we know that it is found to exist in widely different degrees in different individuals. *Post mortem* examinations, for the benefit of medical science, with the consent of the relatives of the deceased, are of frequent occurrence; and, for myself, I do not hesitate to avow, that when I hear of such instances, I am led instinctively to applaud the philanthropy, sound philosophy and magnanimity that induced the sacrifice. I trust I am not singular in this; and I ask those who concur with me, whether they have not also felt, as I have done, the opposite sentiment of moral disapprobation, mingled with regret, at hearing of the pertinacious refusal of surviving kindred to permit such an examination, when there were good reasons for believing that it would result in discoveries useful to the living? Instances are not wanting, moreover, in this State, where persons suffering under occult forms of disease, likely very soon to terminate in death, have magnanimously re-

quested that their remains might be carefully examined for the benefit of the living, particularly of those who might be supposed to have inherited their constitutional tendencies. A distinguished English philosopher, after devoting a long life to the instruction of mankind as an author, crowned his philanthropic labors by a testamentary dedication of his body to dissection, for the promotion of anatomical science ; and, if I mistake not, his skeleton still occupies the arm-chair in which he was accustomed to sit when living, where it was placed in honor of his superiority to one of the groundless prejudices of his age, his respect for science and his love for his race. I would fain hope that his great example may not be altogether without its influence upon us.

I think I am not mistaken in asserting that this feeling of repugnance, which has been so eloquently depicted, is entertained most strongly by heathen nations. In highly civilized communities, as the instances I have mentioned tend to show, it yields in no inconsiderable degree to the just claims of humanity and a clearer perception of the exigencies of society. Is it, in reality, anything better than a blind impulse, having its origin in ignorance and superstition, and unsanctioned by reason ? I recommend it to honorable gentlemen to endeavor to analyze it, and to answer the question, each for himself, to his own conscience ; for I have lived long enough to learn that excited feeling is the fruitful source of our greatest errors.

I do not deny that this prejudice has its origin in a commendable respect for the dead ; but the question for our decision, as legislators, is, whether we are not now called upon to sacrifice it on the altar of science and humanity. If, upon subjecting it to the test of enlightened reason and dispassionate judgment, we find it to be unsubstantial and infirm ; and if, upon a careful consideration of the benefits likely to flow from the adoption of this measure, they shall appear to us of paramount importance, then are we required, by the plainest dictates of duty, to comply with the request of that large number of our most respectable fellow citizens, of every profession and calling, and of all religious denominations, who have seen fit to come here as petitioners for what they regard as a boon of inestimable value to society.

Sir, what is the direct object of this bill ? It is simply to provide the means by which a large supply of *subjects* may be *lawfully* obtained, for the purpose of affording useful instruction to a numerous and most respectable profession, to whose keeping we are obliged, by the infirmities of our nature, whether we will or

no, to entrust our health and lives. The design of the act, I have said, is to furnish by law a larger supply of *subjects*; and what, sir, is a *subject*? It is but the material tenement of man, from which the spirit has fled, and in which the vital principle, whatever that may be, has become extinct. It is a piece of inanimate clay, that cannot even be preserved from instant decay without a resort to highly artificial means, which it is not our custom to employ. Under the influence of a belief not entertained by us, the ancient Egyptians embalmed their dead, wrapped them in costly cerements, and inclosed them in ponderous sarcophagi; and it affords a striking illustration of the mutability of human concerns, that these Egyptian "mummies" have become an article of merchandize, to minister to the cupidity and gratify the curiosity of the inhabitants of a continent of which the Egyptian never heard. Other nations have burned their dead. Such was the practice of the Romans. It is our custom, as it is, I believe, in this age, the custom of all other civilized nations, to bury our dead. We make haste to commit them to the earth, there to "lie in cold obstruction and to rot." This is *our* mode of manifesting respect to the inanimate remains of our dead kindred. It would have shocked a Roman, as the Roman usage is shocking to us. Yet it would probably have puzzled a Roman, and I apprehend it would puzzle us still more, to assign a valid reason for this horror; and strong as it is with us, we know that it has often yielded to a sense of what was due to the living. A signal instance of this triumph of common sense over prejudice, recently occurred in the city of New Orleans, where, during the late pestilence by which its inhabitants were decimated, a vast multitude of human bodies were burned up, lest the atmosphere should be rendered still more pestilential by their effluvia. This step was taken under the direction of the municipal authorities, and with the approbation and concurrence of the entire community. A like disposition, I have been credibly informed, was made of the bodies of the slain who fell on the ever memorable field of Lundy's Lane. Here, on the 26th day of July, 1814, the mangled remains of brave men, who but a few short hours before had stood opposed in mortal combat, were heaped together on one mighty pyre, and the whole reduced to an indistinguishable mass of calcined bones. In both cases we witness the deliberate and wise adoption of the very principle of this bill, which I trust we shall have the wisdom also to affirm by our votes, to wit: the sacrifice of the instinctive tenderness which we feel for the relics of mortality, to a profound conviction of what is due to the welfare and security of the living.

It is the right, however, of the people of this State, in disposing of the remains of their dead relations, to indulge even their prejudices. Does this bill propose to deprive them of this right? Not at all. Its carefully devised limitations are designed to be, as I believe they will be, a sufficient antidote to any such consequence. Let us see if this is not so.

SECTION 1. It shall be the duty of any warden, superintendent, governor, commissioner of the alms-house department, or other officer having in charge any of the prisons, penitentiaries or alms-house departments in the state, supported entirely at public expense, and located in cities whose population exceeds thirty thousand inhabitants, to deliver to any regularly chartered medical college or school in the state, on application from the trustees or teachers thereof, for the purposes of medical and surgical study, the remains or body of any person dying in any of the aforesaid institutions under their charge, provided that the said remains shall not have been claimed or demanded for interment by any relative or friend of said deceased person within twenty-four hours after death; in which case, said remains shall not be so delivered, but shall be interred in the usual manner; and provided, also, that the remains of no person of any condition or circumstances, dying in any of said institutions, who may be known to have relations, whether near or abroad, and of no one confined for debt or as a witness, or on suspicion of crime, and of no proper traveler, nor of any person who shall have expressed a desire in his last sickness that his body may be interred, shall be delivered for the purposes aforesaid, but shall be buried in the usual manner; and it shall be the duty of the said warden or said other officers to faithfully protect the rights of humanity which these provisions are intended to secure; nor shall this act be understood to apply to individuals who are under the charge of the commissioners of emigration or of any emigrant societies, or of any other private association for the relief or benefit of the poor, notwithstanding the said poor may be supported exclusively at the public expense; and it shall be the duty of the teachers in medical colleges and schools to provide for the interment, and to inter in proper coffins, and in appropriate cemeteries, the remains of all bodies after they shall have answered the objects of this act, and the expenses of said interment shall be paid by said teachers; and for any violation of this provision, they shall, on conviction, forfeit for the benefit of the poor not less than twenty-five nor more than fifty dollars, and any overseer of the poor may prosecute for and recover the same.

The bill proposes, then, to do what? To intercept, on the road to decay, and to apply to a most useful purpose, the bodies of those who, after having, while living, been humanely provided for at the public expense, leave behind them no kindred to exercise or who care to exercise this right, no survivor whose sensibilities will be wounded by submitting their remains to scientific examination. This, sir, in brief, is the primary object of this bill. Is there anything in this to shock a well balanced and impartial mind? To such a mind, can it appear to be either immoral or inhuman?

Nay, more, do not the exigencies of society demand it as a duty, which it would be censurable in us to disregard ?

Does any man doubt the incalculable importance of having the medical profession thoroughly instructed in the anatomy of the human body, and in the safest and best mode of performing the various operations indispensable to the preservation of human life, which are so frequently required at the hands of the surgeon ? I do not propose to dwell upon a point so unquestionable ; but it may not be amiss, nevertheless, to mention a single fact communicated to me in a letter lately received from one of the most distinguished men of the medical profession. Until towards the close of the seventeenth century, the dissection of the human body had not been resorted to in England as a means of instruction in anatomical science. Until then, the dissection of the inferior animals had been practiced for this purpose, and one of the practical and highly significant results was this : before this great improvement was introduced, one-half of all those unhappy persons who submitted to the operation of lithotomy died ; whereas, the celebrated Cheselden, still young enough to profit by the change, lived to perform this capital operation with entire success in forty-eight out of fifty cases. It is pertinent here to remark, that there is no country on earth where bodily risks are so constantly and heedlessly incurred by all classes, and where accidents are so numerous, as in this. There is none, therefore, in which skilful surgeons are so much needed. It is not easy to imagine a more pitiable condition than that of one having just met with a bodily injury, so grievous as to endanger his life, who is unable to procure the requisite surgical aid. A doctor he can obtain, for there are doctors everywhere ; but if the doctor lacks the necessary skill (as he may do by no fault of his own), his presence may be anything but a boon, for he may only aggravate the sufferings of his patient without being able to save his life.

What I have just said is alike applicable to the poor and to the rich. But there are many cases imperiously requiring a surgical operation, yet admitting of delay. In such case the rich sufferer could always obtain the requisite aid, even though there were no competent surgeon to be found out of the city of New-York. Not so with the poor patient. He would often have but the sad alternative of dying without an effort being made to save him, or of surrendering himself into the hands of an incompetent, because uninstructed, physician. The passage of this bill, therefore, plac-

ing, as it will, the lights of practical anatomy within the reach of every medical practitioner, I unhesitatingly insist, is far more necessary to the poor, who are the many, than to the rich, who are comparatively few in number.

Let it not be inferred, however, that I have fallen into so great error as to suppose that an exact knowledge of the structure of the human frame is essential only to the surgeon; for I am aware that it is scarcely less so to the ordinary physician. To understand the precise nature of "the numerous ills that flesh is heir to," and the best means of prevention and cure, he must possess a familiar acquaintance, to be acquired only by dissection, with the position and relations of all the tissues of the body; with their condition in health and in disease; and with the particular nature of the changes produced by the various diseases to which they are subject in all their diversified forms. It is due, therefore, to the people of this state, and to ourselves among the number, to provide the facilities for the acquisition of this knowledge afforded by this bill; unless some other more unexceptionable and equally efficacious means can be devised, which I am of opinion cannot be done, nor is this pretended by the opponents of the measure.

Having thus endeavored briefly to describe the direct object of this bill, and noticed the chief objection to it, I shall proceed with equal brevity and directness to present the subject under one of its incidental aspects. It is well known that we have a statute denouncing severe penalties against those who violate the grave, and those who buy the *subjects* thus obtained. I have a copy of this statute, which I propose to read:

§ 13. Every person who shall remove the dead body of any human being from the grave or other place of interment for the purpose of selling the same, or for the purpose of dissection, or from mere wantonness, shall, upon conviction, be punished by imprisonment in a state prison not exceeding five years, or in a county jail not exceeding one year, or by a fine not exceeding five hundred dollars, or both such fine and imprisonment.

§ 14. Every person who shall purchase or receive the dead body of any human being, knowing the same to have been disinterred contrary to the provisions of the preceding section, shall, upon conviction, be subject to the punishment in the said section specified.

§ 15. Every person who shall open a grave or other place of interment, with intent,

1. To remove the body of any human being for the purpose of selling the same, or for the purpose of dissection; or
2. To steal the coffin, or any part thereof, or the vestments or other articles interred with any dead body;

Shall, upon conviction, be punished by imprisonment in a state prison not exceeding two years, or in a county jail not exceeding six months, or by fine not exceeding two hundred and fifty dollars, or by both such fine and imprisonment.

Title 5th, part 4th, chap. 1st, Rev. Stat., sections 13, 14 and 15; page 774, vol. 2d, 3d edition Revised Statutes.

Now, sir, being aware of the existence of an act of this nature on the one hand, and of the urgent demand for *subjects* on the other, I have thought it worth while to inquire into the practical result of this conflict; and I have accordingly addressed myself for this purpose to those best qualified to give the information. I have consulted the ministers of the law, and some of the most eminent and respectable physicians of the state; and I confess the result has astounded me. The medical gentlemen assure me that in the city of New-York and circumjacent region, not less than six or seven hundred new-made graves are annually robbed of their tenants; and the District Attorney of that city informs me that, during the three years of his official service, there has not been a single conviction, nor, to his knowledge, a single complaint founded upon this act. But, sir, incredible as this statement at first blush appears, a little cool reflection will suffice to explain it. The law stands in irreconcilable antagonism to an urgent, not to say irresistible want of society, and it has proved powerless in the contest. It has raised up a body of remorseless vampires in human shape, bearing the name (with what decency I will not stop to inquire) of "resurrectionists," whose business it is to violate the grave, who do violate it with impunity, and who grow rich by this atrocious iniquity. The nefarious trade is best understood in the city of New-York, the lurking place of all that is villainous and degrading, though happily, also, as I trust I shall be pardoned for adding, the home of all that is virtuous and ennobling — because it is here that the trade finds the widest field for its exercise and the best market for its fruits. It must not be supposed, however, that the appalling number of *subjects* I have mentioned, are all required for local use. On the contrary, a great majority of them are exported to supply the wants of other medical schools; and this demand has received a new impetus of late, from the greater facilities for safe and rapid conveyance furnished by railroads.

I have spoken of the robbery of new-made graves, but it is not these alone that are rifled. The strongest vault or tomb affords no security against the body-stealer, for he is armed with a key to fit its lock. So it was in England and in the countries of continental

Europe, before the law-making power saw fit to apply the only effectual antidote, by the enactment of laws like that of which I stand here the advocate. The late Sir Astley Cooper, in giving his testimony before a committee of the House of Commons, stated that there was not a man in England, whatever his rank and consequence might be, whose body he could not obtain if he had a mind to dissect it. When I first heard this statement I regarded it as an idle boast, but I have ceased so to consider it. The brutal manner in which these deeds are perpetrated is too shocking for description, and I abstain from attempting it. Suffice it to say, that it comprises every element calculated to impart urgency to the desire which every right minded man must feel for its suppression.

I am aware that the medical profession are, in one sense, accessory to these atrocities, and that an idea prevails to some extent, among the unreflecting, that the provisions of this bill are designed for their especial, if not exclusive benefit. It would be little better than an insult to this committee for me to occupy more of its time in repelling this idea ; and for whatever may seem reprehensible in the medical profession, on account of its involuntary connection with the miscreants on whom, in the existing state of the law, they are compelled to rely, no impartial man can fail to see that they have the best apology which it is possible to conceive. They assert with one voice, and I believe with perfect truth, that without human bodies for dissection, medical or surgical science cannot be adequately taught or learned, and that occasional "rehearsals" and indispensably necessary to insure safety or success in capital operations, even when performed by the most accomplished experts. Without this preparation, there is no security either for the practitioner or his patient. The patient may and probably will lose his life, which might otherwise have been saved ; or be left a cripple, when he might otherwise have been healed ; while the physician may not only suffer mortification and disgrace, but be mulcted in heavy damages, when he might otherwise have earned a valid title to gratitude and respect. Insist, if you will, that the profession are morally bound, nevertheless, to withstand these motives ; but let us cease to wonder that human nature has proved, or to doubt that it will continue to prove, inadequate to the task.

This then, sir, brings me to the second great object of this bill, the suppression of the revolting practices to which I have referred, I mean the pillage of the grave and the traffic in human bodies, by relieving our medical colleges and schools from the bitter

necessity of countenancing these practices. The medical gentlemen connected with these institutions assert, and I believe them, that the chief interest which they feel in the passage of this bill arises from their earnest desire to be released, at once and forever, from the bondage of this loathsome alliance. If any honorable gentleman has imbibed the idea that the profession are insensible to all its horrors and degradation, I venture to assure him that he is widely mistaken. Sir, let us be just in our estimate of the medical profession. Let us remember that its ranks comprise many of the most learned, the wisest and most virtuous of our fellow citizens. Let us not forget its unpaid services to suffering humanity, or the self-sacrificing and heroic spirit with which they are often performed. Our eleemosynary statistics show that, in the city of New-York alone, one hundred and fifteen thousand sick and maimed persons annually receive gratuitous medical aid; and this committee does not require to be informed that the physician habitually and cheerfully encounters, and but too often falls a victim to dangers appalling to other men, regardless of "the pestilence that walketh in darkness and the destruction that wasteth at noonday." Among the gallant dead who but recently have laid down their lives in the hospitals of my own city, while contending against the *fever pestilence*, I cannot forbear to mention the names of Snowden, Graham, Beals, Hutchinson, Porter, Van Beuren, Hedges, Blakeman, Calhoun, Worth and Leonard.

To this affecting catalogue, I might add many cherished names from the ranks of the Irish physicians engaged in hospital practice in the city of New-York, one-half of whom sicken and one-sixth die with fever; yet the poor in these institutions always have the best medical services in the country rendered gratuitously. An eloquent writer, in speaking of "the spirit of martyrdom" which nerves the profession in the hour of peril and dismay, pays the following beautiful tribute to the physicians of a neighboring state:

But why should I multiply instances of courageous charity? They are so common, so much a matter of course, that to perform them is no longer regarded as praiseworthy—to refuse to do them alone excites attention, and that to incur consuere; and yet I cannot conclude this topic without noticing the noble acts of the noble men of Ohio. You all remember how, in 1848, the plague fell on Sandusky city, and made havoc, before unheard of in this country. It was estimated that one-sixth of the inhabitants remaining in that doomed city were carried to their graves in less than one month. On the 3d of July, the population was found by census to be 5,667; and of this number only nine were confined to their beds by sickness. On the 22d of

the same month, the mayor reports: "It is impossible to describe the desolation that withered the hearts of the strongest; the physicians were worn out by toil and more exhausting cares, and it became difficult to procure nurses for the sick or burial for the dead." On the 30th, says another report: "The havoc was awful. Our few remaining physicians were flying from one part of the city to another, unable to give more than a few moments to those struck down, and great numbers were doomed to die without a physician or a nurse." On that sad day the plague-smitten cried aloud for help, and their cry reached the ears of those on whom the sufferer never calls in vain. Lasting honors to the men who responded to this call, in the name of the profession! In a single day, help arrived; and in two days, the six physicians of the town were replaced by *twenty-four physicians and five medical students* from distant places. One impulse inspired these men in their mission of love; one courage sustained them. Through them spoke the heart of the profession. God blessed their labors, and the plague was stayed; and when at length their work of mercy was accomplished, and they had returned to their homes, the mayor, in his proclamation, acknowledging these and other favors, says: "The benefits conferred and the obligations imposed are so great, that words seem powerless to express the gratitude felt for these great and holy and disinterested offices of charity." "For it adds not a little to the meritoriousness of the services, that all compensation from the town and poor was declined;" and he concludes: "Though the citizen of Sandusky cannot find words to express his gratitude, he can thank God that his lot is cast where Christian charities grow and flourish, and he can invoke God's best blessings on those who remembered him in the day of sore distress."

For myself, I should be ungrateful, as well as unjust, were I to withhold from the medical profession that high meed of confidence and respect which is so justly their due; for I stand here a living monument of surgical skill in the reduction of a compound, comminuted fracture, which might well have cost me my life, and which, but for the great skill of the eminent surgeon into whose hands I had the good fortune to fall, would at least have left me a cripple for the remainder of my days.

Should any gentleman doubt the sufficiency of the supposed law, consistently with a faithful observance of its numerous restrictions, to supersede the diabolical traffic of which I have spoken, I can only say, that those best qualified to judge are of opinion that it will prove efficacious for this purpose. I am assured that, of the great number of persons who annually die in our prisons, but more particularly in our alms-houses, a large proportion, sad to say, are utterly friendless, and are, therefore, of the description of persons to whose remains the medical colleges and schools would become entitled under the law.

In conclusion, Mr. Chairman, although I am aware that I may appear to have already transcended the limits I prescribed to my-

self at the outset, I beg leave to call the attention of the committee to the nature of the alternative presented to our choice by this bill. Pass it, and you need no longer dread the desecration of the tomb. Thenceforth the medical profession will cease to be the unwilling patrons of the body-snatcher, and will gladly ally themselves with their fellow citizens as his foes. You will thus convert them, from the reluctant antagonists of the law for the protection of the grave, into its most earnest and efficient supporters. Reject this bill, and you virtually sanction the enormities against which it is aimed. You thus become the abettors of the grave-robber, and participants in the infamy of his infernal trade.

